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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,062	03/01/2002	Kanta Yamamoto	FUJH 19.475	3222
26304	7590	10/02/2006	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP			LEVITAN, DMITRY	
575 MADISON AVENUE			ART UNIT	
NEW YORK, NY 10022-2585			PAPER NUMBER	
			2616	

DATE MAILED: 10/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5/8

Office Action Summary	Application No.		Applicant(s)	
	10/087,062		YAMAMOTO, KANTA	
	Examiner		Art Unit	
	Dmitry Levitan		2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Amendment, filed 09/21/06, has been entered. Claims 2-6 remain pending.

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

2. In light of Applicant's amendment, the rejection of claims 1-6 under 35 U.S.C. 112, second paragraph, set in the previous Office action, has been withdrawn.
3. Claims 2-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 limitations directed to transmission equipment, comprising a switch board, a plurality of interface boards, a plurality of dedicated interface boards is unclear, because it is not understood how these items are interconnected and function.

For example, "a plurality of interface boards for interfacing the cross-connect portion with a multiplexed signal being transmitted on a path" is unclear, because it is not understood if limitation "a multiplexed signal being transmitted on a path" is directed to the cross-connect portion or to a plurality of interface board, making interconnection of the interface boards and the cross-connection portion unclear.

In addition, limitations of claim 4, directed to the dedicated interface boards are unclear, because it is not understood what elements of the transmission equipment these boards interface.

Also, text of claim 4: “wherein each of the plurality of dedicated interface boards includes an extension interface so that a packet to be directed to a path accommodated in a first of the plurality of dedicated interface boards is routed to a predetermined path in the first dedicated interface board, and that a packet to be directed to a path not accommodated in the first dedicated interface board is routed to another dedicated interface board accommodating the path concerned” is unclear as written.

Claim 4 uses similar terms directed to packets transmission in the equipment: branching, routing and directing, what is confusing, because the difference between these operations remain unclear.

Claims 2-6 should be reviewed for clarity to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Response to Arguments

4. Applicant's arguments filed 9/21/06 have been fully considered but they are not persuasive.

On page 5 of the Response, Applicant argues that the informalities of the claims, indicated by the rejection under 35 U.S.C. 112, second paragraph, have been resolved
Examiner respectfully disagrees.

Claim 4, as amended, is unclear, because the limitations of the claim comprise several elements without clear indication on these elements interconnection and operation (see claim 4 rejection above).

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5. Applicant's arguments with respect to claims 1-3, 5 and 6 rejection under 35 U.S.C. 103(a) have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is (571) 272-3093. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7529. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Handwritten signature of Dmitry Levitan, consisting of the initials 'DL' followed by a stylized signature.

Dmitry Levitan
Examiner
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